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A Selection on the Law of Contracts

David Werner Amram

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BOOK REVIEW.

(The following book review is reprinted from University of Pennsylvania Law Review, for May, 1916.)

A Selection of Cases on the Law of Contracts, by William A. Keener. Second Edition by I. Maurice Wormser and John T. Loughran. Pp. xvi and 1226. New York: Baker Voorhis & Co., 1915.

Granting that there are some American cases that have made fundamental contribution to the development of the principles of the law of contracts, it is still true that we must go to the English cases for the primary sources. The making of a case book out of American cases only, is therefore not to be commended. An examination of this edition of Judge Keener's well-known book discloses the fact that the English leading cases are well represented and the American cases given full recognition. A comparison with Professor Williston's Case Book on Contracts at once suggests itself and it is interesting to note that out of the four hundred and sixty-two cases in Williston's collection and three hundred and eighty-eight cases in this collection, there are one hundred and fifty-nine cases common to both, most of them English cases and all of fundamental importance.

A marked difference between Keener's and Williston's books is in the matter of notes. The latter is well known for its rich annotations, most of them reproduced in Williston's Edition of Wald's Pollock on Contracts. This edition of Keener has very few notes, and perhaps there is an advantage in this, in that the student is not distracted by the consciousness of much material to be sought for elsewhere and which he must feel unable to control through lack of time.

There are twenty-nine cases cited in this book decided since Williston's book was published in 1904; sixteen of them under the title "Statute of Frauds," taking the place of a similar number of the more familiar older cases. The fact that only thirteen other cases decided during the last twelve years are found worthy of a place in this collection indicates how firmly the principles of contract are fixed in English and American decisions. The arrangement of the material substantially follows that of the first edition. The book is well printed on thin paper, bound in flexible cover and is altogether admirably adapted to its use as a class book.

David Werner Anram.

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